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Docket No. QMI-3090

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:  
**D. Russell Pflueger, et al.**

**Serial No.: 10/748,761**

**Filed: December 30, 2003**

**For: STENT FOR MAINTAINING  
PATENCY OF A BODY REGION**

**Group Art Unit: 3771**

**Examiner: Steven O. Douglas**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**

Main Stop Petition  
Commission for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following petitions and supporting documents:

- ☒ Petition for Revival of an Application-Form PTO/SB/64a (2 pgs.)
- ☒ Rescission of Previous Nonpublication Request-Form PTO/SB/36 (1 pg.)
- ☒ Petition Under 37 C.F.R. §1.48(a) (3 pgs.)
- ☒ Consent of Assignee for Correction of Inventorship (2 pgs.)
- ☒ Declaration for Utility of Design Patent Application (3 pgs.)

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☒ Applicant authorizes a credit card charge in the amount of \$900. A signed copy of Form PTO/2038 is enclosed with this submission.
- ☒ The Commissioner is authorized to charge any other fees due for this filing, and to credit any overpayment, to Deposit Account No. 50-1105 (Vista IP Law Group LLP). Applicants believe the total fee due is \$900 (\$770 for Petition to Revive + \$130 for Petition to Correct Inventorship).

Dated: November 8, 2007

Phone: (714) 449-8433  
Facsimile: (949) 625-8955

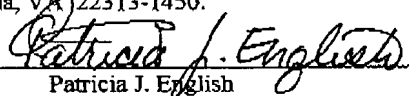
By: 

William A. English  
Reg. No. 42,515

**CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 & §1.8)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number (571) 273-8300 addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 8, 2007  
Date of facsimile transmission

  
Patricia J. English

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PTO/SB/64a (11-07)

Approved for use through 11/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

QMI-3090

First named inventor: D. Russell PfluegerApplication No.: 10/748,761Art Unit: 3771Filed: 12/30/2003Examiner: Steven O. DouglasTitle: STENT FOR MAINTAINING PATENCY OF A BODY REGION

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
 UNDER 37 CFR 1.137(b)

## 1. Petition fee

☒ Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 30-JUNE-2005.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 8 - 2007

PTO/SB/648 (11-07)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

8-November-2007

Date

William A. English

Typed or printed name

42,515

Registration Number, if applicable

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Irvine, CA 92614

Address

Enclosures: ☒ Fee Payment☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11/8/2007

Date

Patricia J. English

Signature

Patricia J. English

Typed or printed name of person signing certificate

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